

Remarks

The Examiner has rejected Claims 1, 14-16, 21, 22, 25, and 26 under 35 U.S.C. 103 as being unpatentable over Mock (WO 98/06559: figures 1-3) taken together with Collombin (WO 97/13632: figures 1-5, Scheffer (U.S. 4,457,352: figures 2 and 3 and column 6, lines 29-48) and Ryder (U.S. 4,473,515: figures 4 and 5 and column 12, lines 17-35).

This rejection should be withdrawn. This rejection is based upon impermissible hindsight. The Examiner has dismembered the entire structure of the Applicants' invention, based upon hindsight, and then looked for citations showing the individual pieces, based upon hindsight, and then recombined the pieces, based upon hindsight, without any teaching or suggestion in the references to do so.

Further, even after having dismembered the Applicants' invention upon reading the specification, finding references to show dismembered pieces, and recombining them without prior art suggestion, the Examiner still has not been able to find all of the dismembered pieces in the art and has not obtained the Applicants' invention by the improper recombination.

The base reference to Mock does not disclose or suggest the claimed invention. By the Examiner's own admission, the Mock reference does not disclose a valve between the metering unit and the receiving portion as required by the present claims. The Examiner's statement that it "appears inherent" is gratuitous and without foundation and is in no way suggested by the reference. Control could easily be before the metering unit and it seems that would be a usual method of control. Valves are not usually interposed in metering lines since in the usual case, such valves could disrupt metering operation, and i.e. the metered quantity would vary depending upon when the valve was closed or opened.

The Examiner also admits that Mock does not disclose a module that seals with the receiving portion as required by the present claims. It is further the Applicants' position that such a structure is in no way suggested. In fact the Mock reference does not have a receiving portion that holds to the open end. The "holding" is done by the mold in the Mock reference, not by a "receiving portion". A receiving portion is non-existent in Mock.

Since the Mock reference does not have a “receiving portion for holding and sealing” as required by the present claims, it cannot have an axial channel through such a non-existent receiving portion to accommodate a stretching die, as required by the present claims. The channel in Mock passes through a part 14, more closely akin to a distributor module, that directly engages the mold.

The present claims further require a distributor module that engages the receiving portion. The distributor module in Mock clearly does not engage the receiving portion because Mock doesn’t have a receiving portion to engage.

For similar reasons, the Mock reference does not disclose or suggest an interior space (22) in the distributor module and receiving portion together. This is simply impossible because Mock doesn’t have a receiving portion to form a part of such an interior space (22) as required by the present claims.

Similarly, the present claims require a stretching die arranged to move through the receiving portion. Again this is impossible in the Mock reference because Mock has no receiving portion through which such a die can move.

The Examiner further admits that Mock does not disclose a cooling means for the blow mold as required by the present claims. Further, such is not suggested.

The present claims require that the receiving portion seal to the blank and that the distributor module seal to the receiving portion. This is not the case with Mock, is not even possible in the Mock structure and is not suggested by Mock.

It should also be pointed out that Mock does not disclose or suggest a heating means as required by the present claims. Mock preheats the perform prior to introduction into the mold.

It needs to be especially pointed out that there is no reason or suggestion in the Mock reference for looking for any of the above omissions for integration with the device of Mock.

The Collombin et al. reference does not cure the critical defects of Mock. The present claims require that the receiving portion seal to the blank and that the distributor module seal to the receiving portion. This not the case with Collombin et al. and is not suggested by Collombin et al. In no case does the blank in Collombin seal to the receiving portion but in most cases seals

through a sealing joint (gasket) 80, 91 or through a sealing ring 31 and two joints (gaskets) 37 and 39. None of a closable line between a metering unit, a heating means, or a cooling means, as required by the present claims, are disclosed or suggested by Collombin. It is thus clear that the Collombin reference has defects similar to the Mock reference and thus cannot cure the critical defects of Mock.

Scheffer is not concerned with bottle forming at all, but is rather concerned with molds for metal castings. It is clearly non-analogous art cited by the Examiner based upon impermissible hindsight. One would simply not look to the art of casting molds for combination with a reference related to molding of plastic bottles. The Scheffer reference does not disclose or suggest any of a receiving portion, a distributor module, a stretching die, a metering unit, a tubular line between a metering unit and a distributor module, a heating means, an ignitor or a cooling means as required by the present claims. Scheffer therefore is completely unable to cure any of the critical defects of Mock or Collombin.

The Ryder reference similarly does not cure the defects of the other cited references. The Ryder reference is not even related to the present invention which is for explosion molding. In the present invention an ignitor and gas source are required, none of which are suggested by Ryder. The present invention requires a heating means, not disclosed or suggested by Ryder (or any of the other cited references). Ryder in fact teaches away from such a heating means since the blank used is preheated in an injection molding machine. A metering unit is not disclosed or suggested and no closable tubular line is suggested between such a metering unit and a distributor module. No axial channel is provided in either a receiving portion or distributor module is suggested. The "Core rod 14" of Ryder remains in the blowing area and is too large to move through a receiving portion or distributor module as a stretching die moves in accordance with the present claims. It is clear that Ryder does not cure the critical defects of the other cited references.

The rejection should be withdrawn.

Claim 17 has been rejected under 35 U.S.C. 103(a) as being unpatentable over Mock taken together with Collombin, Scheffer and Ryder as applied to claims 1, 14-16, 21 22, 25 and

26. As discussed in detail above, none of the cited references or their combination suggest the presently claimed invention. Claim 17 is dependent upon Claim 14 and is patentable for the same reasons that Claim 14 is patentable.

Claims 23 and 24 have been rejected under 35 U.S.C. 103(a) as being unpatentable over Mock taken together with Collombin, Scheffer and Ryder as applied to claims 1, 14-16, 21 22, 25 and 26 and further in view of Kleimenhagen et al. As discussed in detail above, none of the cited references or their combination, as discussed above, suggest the presently claimed invention. Claims 23 and 24 are dependent upon Claim 14 and are patentable for the same reasons that Claim 14 is patentable. Kleimenhagen et al. does not cure the critical defects of the other cited references. Kleimenhagen et al. is not concerned with apparatus for explosion molding. No ignitor is disclosed or suggested. No heating means is disclosed or suggested. No cooling means is disclosed or suggested. No metering unit is disclosed or suggested. No closable tubular line between a metering unit and a distributor module is disclosed or suggested and no cooling means is disclosed or suggested.

The rejection should be withdrawn.

The indication that claims 18-20 and 27 contain allowable subject matter is noted with appreciation.

In view of the foregoing amendments and remarks, it is asserted that all claims are in condition for allowance, which action is courteously requested.

Respectfully submitted,


Michael L. Dunn
Reg. No. 25,330
CUSTOMER NO. 24041
Simpson & Simpson, PLLC
5555 Main Street
Williamsville, NY 14221-5406
Telephone No. 716-626-1564

MLD/MJK

Dated: March 3, 2004